



# Licensing Sub-Committee

Tuesday, 24th September,  
2024

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## MINUTES

### Present:

Councillors Matthew Dormer, David Munro and Gary Slim

### Also Present:

Mr Sean Street (Licence Holder) and Mr Alan Heywood (Objector)

### Officers:

Vanessa Brown and Paul Morrish

### Democratic Services Officers:

Gavin Day

### 1. ELECTION OF CHAIR FOR THE MEETING.

Councillor David Munro was elected as Chair for the meeting.

### 2. APOLOGIES

There were no apologies for absence.

### 3. DECLARATIONS OF INTEREST

Councillor Matthew Dormer declared in relation to agenda item 4 (minute No4) in that he knew the applicant, however, he did not feel that he was prejudiced or predetermined and would continue to sit for the hearing.

### 4. APPLICATION FOR VARIATION OF A PREMISES LICENCE - BANK CAFE & INTERIORS 2A LIGHTHOUSE WORKS, QUEEN STREET, ASTWOOD BANK, REDDITCH, B96 6BT

The Chair opened the hearing and welcomed everyone to the hearing, Members and Officers presented themselves to all those in attendance.

Chair

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As the applicant was not represented, the Chair reminded them of their right to be represented. The licence holder indicated that they had decided to represent themselves and were happy to proceed.

The Technical Officer (Licensing), Worcestershire Regulatory Services, presented the report and detailed that, On 8<sup>th</sup> August 2024 an application was received for a variation of an existing premises licence in respect of Bank Cafe & Interiors, 2A Lighthouse Works, Queen Street, B96 6BT.

The applicant sought the variation of the existing licence, in that the sale of Alcohol, playing of live music and provision of late-night refreshments would have extended operating times from 23:00 to 00:00 hours on Fri and 23:00 to 01:00 hours on Saturday, all other times remained the same.

Officers detailed that a number of Temporary Event Notices (TENs) had been served in respect of the premises between June 2024 and August 2024. It was confirmed after questions from Members that the applicant had exhausted the number of permitted TENs allowed, which was for 21 days, this was cited as the primary reason for seeking an extension of operating hours.

There had been No comments submitted in response to the application from any responsible authority, this included both West Mercia Police and Worcestershire Regulatory Services (WRS) who were the relevant authorities in terms of public safety and prevention of nuisance (noise) respectively.

Representations were received from four individuals in objection; however, one was subsequently withdrawn. The three remaining objections were detailed on pages 35 to 39 of the Public Reports pack.

The representations raised concerns about the effect of granting the variation application on the promotion of the licensing objective for the prevention of public nuisance.

There were no questions of the Licencing Officer from Members nor any party present.

At the invitation of the Chair, Mr Sean Street, the Licence holder, addressed the Sub-Committee.

Mr Street detailed that, he had owned the building for 6 years which had seen a number of uses which included a café, however, after

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COVID-19 they applied for a licence for the sale of alcohol to diversify business.

Mr Street also stated that they took their duty of care to the community very seriously and kept all sound within the building under 85decibels(dBs) and had taken measures to minimise sound spilling out to neighbouring houses. This included the instillation of acoustic curtains and ensuring all windows are closed with the instillation of air conditioning units to regulate heat. the premises also ran a strict no drugs policy nor served those who were inebriated, additionally under 18<sup>th</sup> were not allowed on site after 6pm when the café closed.

Mr Street drew Members attention to pages 31 and 32 of the Public Reports pack, which detailed the layout of the building and informed Members that live music was only played in areas 2 and 3. Speakers were not used to transmit the sound around the premises and therefore sound could only be heard from limited areas.

There was little presence from any authorities at the location, including the Police and WRS and the premises had not been informed of any official complaints that had been made against it.

The extended opening and serving times would, in the opinion of the licence holder, serve to reduce the overall disruption to the area. The view was taken as there would be less of a kick out time and would allow patrons to leave naturally when they were ready and not all at the same time around 23:30 hours currently.

Mr Street further stated that there was no intention to play music after 23:30 hours, with most gigs continuing to finish at 23:00 hours. Additionally, there would be no new admissions into the premises after 23:00 hours on either day. The licence holder's intent for the extended hours was to allow those already at the premises time to naturally finish their drinks and leave when ready, they did not seek an extension to cater for late night clientele.

In response to the objections raised, Mr Street questioned the validity of the claims and refuted the statement that the objections represented the views of the whole of Eastwood Court, on page 36 of the Public Reports pack. Mr Street stated that he was in close communication with the residents who had not voiced any complaints to him. He also questioned the lack of evidence that there was a problem, stating that the application should only be decided on with evidence and without any objections from the Police or WRS there was none.

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After questions from Members, Mr Street detailed that the decking area which was used for smoking, was entirely off limits to drinking after 21:00 hours, and the chairs and tables were locked away. However, it was a dedicated smoking area and patrons would take their drink out whilst smoking. Overlooking CCTV was in operation, which was viewable from behind the bar. However, Mr Street admitted that it was not adequately policed in that only those who are actively smoking should be using that area. Therefore, he could provide no assurance that the licencing objective was appropriately enforced.

The Chair noted that there were no representations by responsible authorities and the hearing should continue to hear from the objectors.

At the invitation of the Chair, Mr Alan Heywood, a local resident, addressed the hearing in objection to the application.

Mr Heywood detailed that the premises caused disruption with the residents of Eastwood Court and detailed some instances of residents being disturbed by loud talking and merriment which had effected sleep. He further stated that it was natural for those who had a drink to become louder especially when exiting from inside a noisy building and it was this noise which often disturbed residents.

Mr Heywood disagreed that the extended hours would permit a gradual decrease in customers and commented that it would only permit noise going further into the night, causing additional disruption for residents.

The lack of complaints was refuted, with Mr Heywood stating that there had been a number of complaints raised on social media platforms, however, it was admitted that the complaints had not gone through official channels as he was not aware of the procedure nor the responsible authority.

Mr Street was then questioned on the avenues for local residents to raise concerns, he stated that both his and the other premises owner's numbers could be found on the notice board on site and were available online. He further stated that Should any residents wish to raise a complaint he would be happy for them to contact him directly and he would attempt at address their concerns.

At the invitation of the Chair, Mr Heywood was invited to sum up his objection. Mr Heywood commented that should the additional opening times be permitted; it would lead to an increase of the

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noise disruption to residents of Eastwood Court and asked the Sub-Committee not to allow the extension.

At the invitation of the Chair, Mr Street was invited to sum up.

Mr Street stated again that he would commit to residents that live music would not be played after 23:30 hours and that no new people would be permitted into the premises after 23:00 hours. He clarified that just as with the current licence, people would be permitted to enter up to this time, but any further admissions would not be allowed.

Mr Street agreed that it was the Bass which reverberated and carried, but that most of the live entertainment was acoustic sets which would not often have a base component. However, He did commit to monitor the situation especially during DJ music events.

Finally, Mr Street commented that there were no objections raised by responsible authorities, and that they would have had opportunity to receive complaints and gather evidence during the TENs which had taken place, therefore, he asked Members to approve the application.

The legal advisor to the committee stated that Members should take note of all the representations received including those who chose not to attend, to which no less weight should be given.

It was further detailed to all those present that Members would go into private deliberation of the application.

The licence holder and those who had submitted representations, would be informed of the outcome within 5 Working days when they would be supplied with a notice detailing the Panels decision. Should any party be aggrieved by the decision they had 21 days from the receipt of the decision notice to raise an appeal to the Magistrates Court.

The Meeting commenced at 10.30 am  
and closed at 11.40 am